IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. 21276-M of 2007
Date of decision: 12.7.2007

Talwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE S.S. SARON

Present : Mr. Saniv Pandey, Advocate
for the petitioner

Mr. I.P.S. Sidhu, Sr. DAG Punjab
for the respondent

S.S.SARON, J. (ORAL)

Heard counsel for the parties.

The allegations against the petitioner are that he hit Head Constable Chamkaur Singh, who was on official duty on the occasion of Dusshera festival while patrolling the market area in Sudhar under Police Station Sudhar.

Learned counsel for the petitioner has submitted that the only involvement of the petitioner is on the basis of an extra judicial confession statement made before one Jaswinder Singh and that also one month after the occurrence. Besides, it is submitted that the extra judicial confession is said to have been jointly made by the petitioner and the other co-accused namely Harmanpreet Singh which itself shows that it is a very weak evidence.

Learned counsel for the State has submitted that keeping in view the extra judicial confession, the petitioner is not entitled to the concession of bail. Besides, it is submitted that trial in the case is going on. The statement of one witness was recorded on 5.7.2007 and the case is now fixed for 24.7.2007 for recording the statements of the remaining witnesses. It is submitted that the prosecution shall make every effort to produce as many witnesses as possible on the next date.

After giving my thoughtful consideration to the matter and keeping in view the role attributed to the petitioner i.e. giving a Kirpan blow on the head of the constable Chamkaur Singh who was on official duty in the market area Sudhar or the occasion of Dussehra festival, when markets are crowded and also the fact that Kirpan has been recovered from the petitioner, no ground for bail is made out, at this stage.

Consequently, the Criminal Misc. petition is dismissed.

(S.S. SARON)
JUDGE

12.7.2007
reena